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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD PHILLIPS,  
Petitioner,

v.

NAPA STATE HOSPITAL,  
Respondent.

Case No. 17-CV-05400 LHK (PR)

**ORDER OF DISMISSAL**

On September 18, 2017, petitioner, proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.<sup>1</sup> That same day, the court sent a notification to petitioner, informing him that he did not pay the filing fee, nor did he file a complete application to proceed *in forma pauperis* (“IFP”). The court provided petitioner with a blank IFP application, along with a return envelope, and a notification that the case would be dismissed if petitioner failed to pay the fee, or file a completed application with supporting documentation within twenty-eight days. More than twenty-eight days have passed and petitioner has not filed a filing fee, nor has he filed a completed application to proceed IFP.

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<sup>1</sup> This case was transferred to this court on October 18, 2017.

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Thus, the instant action is DISMISSED without prejudice. The clerk shall enter judgment and close the file.

**IT IS SO ORDERED.**

DATED: 10/26/2017

*Lucy H. Koh*  
LUCY H. KOH  
UNITED STATES DISTRICT JUDGE